

REMARKS/ARGUMENTS

The present communication is responsive to the Official Action mailed on June 16, 2004, finally rejecting all the claims pending in the application, namely, claims 1-3 and 5-15. A one-month extension of the term to reply, up to and including October 16, 2004, is mailed concurrently herewith.

Claim 1 has been amended to now recite "a memory storing control parameters adjusted by a user including at least one adjusted parameter corresponding to program genre data; and a setting unit operable to set a control parameter for controlling an image data display or an audio data output of said selected program based on the at least one adjusted parameter and said related information."

Claim 8 has been amended to now recite "extracting image data and audio data associated with a program selected by a user; accessing at least one control parameter adjusted by the user corresponding to program genre data; obtaining information related to said selected program; and setting a control parameter for controlling an image data display or an audio data output of said selected program based on the at least one control parameter adjusted by the user and said related information."

Claim 15 has been amended to now recite "accessing from a memory at least one control parameter adjusted by the user corresponding to program genre data; obtaining information related to said selected program; . . . and setting a control parameter for controlling an image data display or an audio data output of said selected program based on the at least one control parameter adjusted by the user and said related information."

Applicants respectfully submit that the foregoing amendments to claims 1, 8 and 15 do not constitute the addition of new matter. Support for the foregoing amendments may be

found by reference to, for example, paragraphs [0064]-[0067] of the specification.

The Examiner rejected claims 1, 5-6, 8, 11-13 and 15 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,188,439 to Kim ("the '439 reference"). The Examiner also rejected claims 2-3 and 9-10 under 35 U.S.C. § 103(a) over the '439 reference.

In rejecting claim 1, the Examiner asserts that "the claimed a memory storing pre-registered user selectable control parameters . . . is met by memory 18 which stores the control data/parameters which are read out by control unit 16 based on the genre data/code(mode) detected from the incoming signal which includes the screen (brightness, color) and sound% (Fig 3). The televiewer can change data for the video and audio levels established to fit the genre data and can adjust the current program being broadcasted to a certain data set for video and audio levels response to genre data (abstract; col. 4, line 15-23)." (Official Action at 3-4.) The Examiner makes the identical rejection against the step of "accessing" in rejecting claims 8 and 15.

In relevant part, the abstract of the '439 reference states:

According to the present invention a broadcast signal including genre data is processed for being converted into an appropriate signal according to a control signal previously stored in a memory thereby to provide a best condition for the video and audio. Furthermore, the televiewer can change data for the video and audio established to fit the genre data at the time of manufacturing the set, and can adjust the current program being broadcasted to a certain data.

Column 4, lines 15-23 of the '439 reference states:

As the foregoing description, according to the present invention, a broadcast signal including genre data is processed for being converted into an appropriate signal according to a control signal previously stored in a memory to provide a best

condition for the video and audio levels. Furthermore, the televiewer can change data for the video and audio levels established to fit the genre data at the time of manufacturing the set, and can adjust the current program being broadcasted to a certain data set for video and audio levels responsive to genre data.

As the foregoing cited text makes clear, the '439 reference discloses that a user can change data corresponding to the video and audio levels "established to fit the genre data at the time of manufacturing the set." ('439 patent, abstract; col. 4, lns. 19-23.) A user may also adjust the "video and audio levels responsive to genre data." (*Id.*) As such, although the user may adjust parameters associated with the genre data, the '439 patent does not teach or suggest that the data changed by the televiewer is recorded in memory.

In contrast, claim 1 recites "a memory storing control parameters adjusted by a user including at least one adjusted parameter corresponding to program genre data." Claim 8 recites "accessing at least one control parameter adjusted by the user corresponding to program genre data." Claim 15 recites "accessing from a memory at least one control parameter by the user corresponding to program genre data." Applicants respectfully submit that the '439 reference does not teach or suggest the foregoing aspects of claims 1, 8 and 15.

Accordingly, for at least the foregoing reasons, applicants respectfully submit that claims 1, 8 and 15 are not anticipated by the '439 reference. Furthermore, applicants respectfully submit that the '439 reference does not suggest storing or accessing genre data adjustments made by a user in or from memory. Applicants further respectfully submit that the other references cited by the Examiner do not make up for this deficiency in the '439 reference.

In addition, as all of the other claims currently pending in the application depend from either claims 1, 8 or 15,

Application No.: 09/854,287

Docket No.: SONYJP 3.0-164

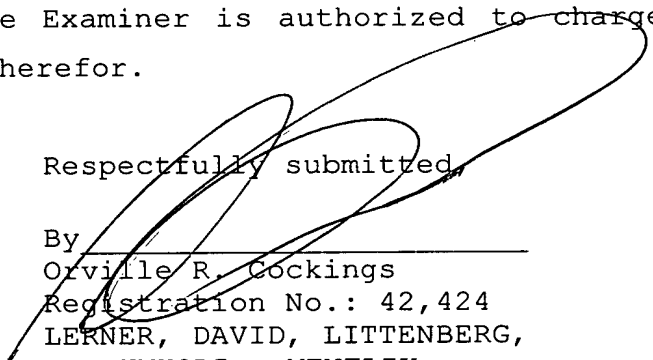
applicants also respectfully submit that these claims are not anticipated or obviated by the '439 reference for at least the foregoing reasons.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 13, 2004

Respectfully submitted,

By 
Orville R. Cockings
Registration No.: 42,424
LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090
(908) 654-5000
Attorney for Applicant

503619_1.DOC